

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:06-cv-190

SONY BMG MUSIC ENTERTAINMENT,)	
a Delaware general partnership;)	
ATLANTIC RECORDING)	<u>ORDER</u>
CORPORATION, a Delaware corporation;)	
and ARISTA RECORDS LLC, a Delaware)	
limited liability company,)	
)	
Plaintiff,)	
)	
v.)	
)	
WANDA SCALES-GLENN,)	
)	
Defendant.)	
)	

The plaintiffs are the copyright owners or licensees of the recordings at issue and have the exclusive rights to reproduce and distribute the recordings. In their April 21, 2006 Complaint, the plaintiffs allege that the defendant unlawfully downloaded and distributed the recordings to the public using an online media distribution system. (Doc. No. 1). The defendant, however, has never answered the Complaint. On December 28, 2006, the Clerk of Court entered a Default against the plaintiff for her failure to plead or otherwise defend against the action. Still the defendant has taken no action.

Presently before the Court is the plaintiff's April 10, 2007 motion for Default Judgment and Permanent Injunction against the defendant granting them the statutory damages and injunctive relief sought in the Complaint. Since the defendant has put forth no effort to defend this action, **IT IS HEREBY ORDERED** that the plaintiffs' motion for Default Judgment is GRANTED in accordance with Rule 55(b)(2).

Additionally, the plaintiffs seek the minimum statutory damages of \$750 per infringed work, as authorized under the Copyright Act (17 U.S.C. § 504(c)(1)), for each of the five sound recordings listed in Exhibit A to the Complaint.

Accordingly, having been adjudged to be in default, **IT IS FURTHER ORDERED** that the defendant pay damages to the plaintiffs for infringement of the plaintiffs' copyrights in the sound recordings listed in Exhibit A to the Complaint, in the total principal sum of Three Thousand Seven Hundred Fifty Dollars (\$3,750.00).

IT IS FURTHER ORDERED that the defendant pay the plaintiffs' costs of suit herein in the amount of Four Hundred Twenty Dollars (\$420.00)

IT IS FURTHER ORDERED that the defendant shall be and is hereby enjoined from directly or indirectly infringing the plaintiffs' rights under federal or state law in the following copyrighted sound recordings:


- "Bills, Bills, Bills," on album "The Writing's on the Wall," by artist "Destiny's Child" (SR# 268-936);
- "Money Is My Bitch," on album "I Am," by artist "Nas" (SR# 175-149);
- "I'm A Thug," on album "Thugs Are Us," by artist "Trick Daddy" (SR# 303-748);
- "Represent," on album "Illmatic," by artist "Nas" (SR# 207-177);
- "No Scrubs," on album "Fanmail," by artist "TLC" (SR# 298-454);

and in any other sound recording, whether now in existence or later created, that is owned or controlled by the plaintiffs (or any parent, subsidiary, or affiliate record label of the plaintiffs) ("Plaintiffs' Recordings"), including without limitation by using the Internet or any online media distribution system to reproduce (i.e., download) any of Plaintiffs' Recordings, to distribute (i.e., upload) any of Plaintiffs' Recordings, or to make any of Plaintiffs' Recordings available for

distribution to the public, except pursuant to a lawful license or with the express authority of Plaintiffs. Defendant also shall destroy all copies of Plaintiffs' Recordings that Defendant has downloaded onto any computer hard drive or server without Plaintiffs' authorization and shall destroy all copies of those downloaded recordings transferred onto any physical medium or device in Defendant's possession, custody, or control.

SO ORDERED.

Signed: May 29, 2007


Robert J. Conrad, Jr.
Chief United States District Judge

